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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

September 22, 1995

*Via Courier*

Mr. William P. Caton  
Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, D.C. 20554

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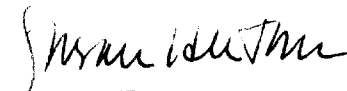
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Dear Mr. Caton:

Transmitted herewith, on behalf of WJG MariTEL Corporation, is an original and four (4) copies of Comments, submitted for consideration in the Commission's Further Notice of Proposed Rule Making, In the Matter of Amendment of the Commission's Rules Concerning Maritime Communications, PR Docket No. 92-257 (released May 25, 1995).

If any questions should arise related to this matter, please do not hesitate to contact the undersigned counsel

Sincerely,

  
Susan H.R. Jones

Enclosure

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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SEP 22 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of	)	
	)	PR Docket No. 92-257
Amendment of the	)	RM-7956
Commission's Rules	)	RM-8031
Concerning Maritime	)	RM-8352
Communications	)	

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**COMMENTS OF WJG MariTEL CORPORATION**

WJG MariTEL Corp. ("MariTEL"), pursuant to the provisions of Section 1.415 of the Rules and Regulations of the Federal Communications Commission's ("FCC" or the "Commission"), 47 C.F.R. § 1.415, by its attorneys, hereby submits its Comments responsive to the *Further Notice of Proposed Rule Making* ("FNPRM") in the above-referenced proceeding.<sup>1</sup> The FNPRM proposes, *inter alia*, regulations requiring minimum digital selective calling ("DSC") capabilities in maritime communications; permitting automatic interconnection between maritime VHF radios and the public switched telephone network ("PSTN"); establishing alternative requirements for narrow-band direct printing emission; allowing intraservice frequency sharing; and permitting maritime mobile sharing of certain private land mobile radio channels.

With over one-hundred and fifteen (115) station locations, serving most United States coastal and inland markets, MariTEL is one of the largest providers of public coast station service in the United States. Its stations cover the Northwest, East and Gulf Coastlines, Inland Lakes, and the Intercoastal Waterway. The network consists of one hundred and seventy-nine (179) channels, each interconnected to a single control switching office located in Gulfport, Mississippi.

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<sup>1</sup> Further Notice of Proposed Rulemaking, In the Matter of Amendment of the Commission's Rules Concerning Maritime Communications, PR Docket No. 92-257, \_\_\_ FCC Rcd \_\_\_ (1995) ("FNPRM").

Because the FNPRM proposes to amend certain Commission rules with direct impact upon public coast station licensing and operations, MariTEL welcomes this opportunity to participate in this proceeding.

## **BACKGROUND**

Public coast stations, one of the earliest mobile radio services in the history of radio communication, provide a critical communications and safety link between land-line telephones and VHF maritime radio users. In addition to ensuring communications capability between and among recreational boaters, sailboats, and large sea-going vessels and their ports or home offices, public coast stations can also provide vital safety services to the maritime public. MariTEL is able to monitor for distress calls, provide weather updates, relay emergency messages to land-based assistance, and has the capability to locate and support lost boaters in the event of emergencies.

Because public coast stations provide such a valuable option in the telecommunications marketplace and contribute toward the safety of life and property at sea, MariTEL strongly supports the Commission's general efforts designed to alleviate regulatory burdens upon public coast station operators. Public coast station operators can not be economically viable without significant relief from the handicaps imposed by the presently archaic and unnecessary regulatory restraints.

Such relief is particularly appropriate and timely, in light of the Commission's recent recategorization of public coast stations as commercial mobile radio service ("CMRS") providers.<sup>2</sup> In its *Second Report and Order*, the Commission determined that competitive mobile radio services should be

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<sup>2</sup> *Second Report and Order, In the Matter of Implementation of Sections 3(n) and 332 of the Communications Act Regulatory Treatment of Mobile Services*, GN Docket No. 93-252, 9 FCC Rcd 1411 (1994) at ¶ 83. ("Second Report and Order").

similarly regulated.<sup>3</sup> In view of that determination, the Commission must amend its rules for public coast station operators to ensure regulatory parity between public coast stations and other commercial mobile services. Accordingly, MariTEL supports the Commission's efforts in the FNPRM and offers the following specific comments on certain elements of the FCC's proposals.

## **I. Digital Selective Calling for "GMDSS" Purposes.**

Because selective calling automates the calling or signaling process and generally improves both the quality of marine radio transmissions and spectrum efficiency, MariTEL supports the Commission's efforts to implement digital selective calling ("DSC") capability for emergency communications purposes. MariTEL expects that any move toward automation in marine radio services will reduce operating costs for public coast station licensees, improve quality of service for subscribers, and increase spectrum capacity. All of these results will ultimately contribute to the benefit of the boating public, which will enjoy higher quality service at a lower cost. Moreover, because of the benefits to be gained by automation, public coast station operators will have greater opportunities to compete on a more level playing field with other CMRS providers, ensuring that consumers will continue to have the maximum number of choices possible to meet their communications requirements.

MariTEL also supports the Commission's proposal to permit selective calling *via* any "open" protocol, rather than a mandated universal standard or protocol for selective calling. A universal selective calling standard would be disadvantageous for public coast station operators who might have developed alternative selective calling capabilities which may be less expensive, even more efficient, or have additional service features uniquely appropriate for public coast station operation. Technical parameters or protocols for selective calling capabilities imposed by the Commission at this developmental stage of the selective calling technology could inhibit the technical innovation and creativity which might

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<sup>3</sup> *Second Report and Order*, at ¶ 13.

develop alternative or add-on selective calling methods.

The Commission has avoided imposing such restrictive regulatory controls over technical protocols in other services, favoring a market approach to ensure operational compatibility. In the Second Report and Order, In the Matter of the Use of Subcarrier Frequencies in the Aural Baseband of Television Transmitters, Docket No. 21323, 55 RR 2d 1642 (1984), for example, the Commission refused to impose technically specific standards for permissible uses of the television aural baseband to ensure television receiver compatibility, stating clearly that “strong marketplace incentive exists to maximize the quality of service and the rules need not set detailed specifications.” *Id.* at ¶ 15. In reaching this conclusion, the Commission reasoned that “*technology should not be restrained by earlier choices by manufacturers*” and that “*any approach to ensuring compatibility should not impede the opportunity for marketplace advances in technology.*” *Id.* at ¶ 9 [Emphasis added.]

More recently, in proceedings establishing rules for the development and implementation of equipment for personal communications services (“PCS”), the Commission specifically declined to impose technical standards, stating that “most parties recognize that PCS is at a nascent stage in its development and that imposition of a rigid technical framework at this time could stifle the introduction of important new technology.” Third Memorandum Opinion and Order, In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, GEN Docket No. 90-314; 9 FCC Rcd 6908 (1994).

Because MariTEL opposes the adoption of any single protocol which might discourage the implementation of innovative or alternative signaling capability, MariTEL supports the FCC's proposal that it not require automatic interconnection with the public switched telephone network (“PSTN”) as one

of the minimum DSC requirements. MariTEL agrees with the Commission that requiring such automatic interconnection could impose a *de facto* standard. Such a standard may actually stifle development of more sophisticated consumer-friendly technology in the future.

## **II. Automatic Interconnection**

Although MariTEL does not favor the implementation of automatic interconnection through mandated protocols, it strongly supports the FCC's proposal to permit automatic interconnection to the PSTN by any public coast station operator, with utilizing open protocols. In fact, MariTEL asserts that the regulatory amendments proposed by the FCC in this rulemaking which will permit automatic interconnection are critical to the future viability of the public coast station industry and MariTEL urges the Commission to adopt its proposed rules without further delay. Automatic interconnection, achieved by any technological means, increases calling and spectrum efficiency, improves privacy for the maritime radio user, and reduces operating costs for the public coast station operator. Accordingly, automatic interconnection will only enhance a public coast station operator's ability to serve the public and to compete more meaningfully in the CMRS marketplace.

Any improvement to a public coast station operator's ability to compete within the growing and highly competitive CMRS market provides a benefit to the public. Not only will the public enjoy more choice among mobile communications service providers, but also, the additional public coast station services which contribute to the overall safety of life and property at sea. MariTEL thus strongly encourages the Commission to remove its current regulatory impediments that restrict a public coast station operator from providing automatic interconnection to the PSTN. Such regulatory relief will result in greater communications options to the maritime industry and fulfill the FCC's mandate to create regulatory parity among all CMRS providers.

### III. Permissible Communications

#### A. Land Mobile Service on a Subsidiary Basis

MariTEL supports the Commission's proposal to permit public coast stations and providers of Automated Maritime Telecommunications System ("AMTS") service to serve vehicles on land on a subsidiary basis. MariTEL proposes that the Commission permit such subsidiary service for maritime radio service providers without limitation as to the number of land vehicles, or seasonal traffic patterns.<sup>4</sup>

Such permissive subsidiary communications can expand communications services available to the public in addition to supplementing revenue and marketing possibilities for the maritime radio service providers. By providing service to an additional class of users, maritime radio service providers will have more customers over which to spread infrastructure and operating costs. By increasing the overall number of its potential customers, a service provider will be able to reduce the costs of its service and therefore provide better service, to its maritime customers.

Such subsidiary service should be permissive and without limitation to the number of vehicles or seasonal traffic, provided that any maritime call be given priority. Rather than impose artificial regulatory barriers to the permissive use of public coast station frequencies, MariTEL supports the adoption of a simple requirement that marine-originating traffic be afforded priority over land-based traffic.

Increasingly sophisticated technology ensures that most public coast station systems can be designed to select and prioritize calls, based upon the originating transmitter. MariTEL's system, for example, is capable of such a selection process. By imposing a non-specific regulation regarding the priority of marine traffic, the Commission ensures that marine traffic retains its primary status during in-coming calls

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<sup>4</sup> As in *In the Matter of Global Communications, Inc.* 7 FCC Rcd 2238 (1992); *In the Matter of Custard, Inc. Request for Waiver of Section 80.453 of the Rules*; 7 FCC Rcd 4515 (1992); *In the Matter of Request for Waiver of Section 80.453*; 8 FCC Rcd 3061 (1993), the Commission has frequently granted waivers permitted such subsidiary service, limiting the number of land vehicles to be served, and then only on a seasonal basis.

to public coast station, yet allows the development of innovative technology and encourages the optimum use of the spectrum.

#### B. Channel Loading

In addition to supporting the Commission's proposal to permit public coast station licensees to provide land mobile service on a subsidiary basis, MariTEL also supports the Commission's proposal to eliminate current channel loading requirements for public coast station operators wishing to add multiple channels to a station. MariTEL strongly agrees with the Commission's suggestion that such a requirement is "out-of-date in light of the burdensome procedures required." (FNPRM, at ¶ 24.) MariTEL thus supports the Commission's proposed amendment to its rules to permit an applicant to request up to five (5) channels, where available.

MariTEL requests, however, that the Commission clarify that an *initial* applicant may seek more than one (1) channel and that the FCC intends to amend its rules with respect to multiple channel licensing, construction and operation of multiple channels, to conform to construction and operational requirements in other mobile services.<sup>5</sup> (FNPRM, at ¶ 24.) MariTEL requests this clarification to ensure that the Commission intends no limitation which could unnecessarily restrict an initial applicant from immediately applying for up to five (5) channels and implementing innovative or trunking technologies with multiple channels.

#### **IV. Intra-Service Sharing**

MariTEL supports the Commission's proposal to permit private coast stations to use public correspondence frequency pairs in the MF band. While MariTEL does not intend to employ such MF channels, such an amendment should be part of a movement toward more broad intra-service sharing

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<sup>5</sup> See Section 90.658, 47 C.F.R. § 90.658.



across maritime channels and services. MariTEL urges the Commission to expand its proposed amendment, to encourage the active use of currently under-utilized maritime spectrum, without regard to service area or commercial and non-commercial designations. If a maritime channel, currently designated for private coast station use, is not employed in certain regions or ports, that channel should be available for public coast station use.

Such consolidation of service distinctions is consistent with other efforts by the Commission in other services. In the recent Report and Order and Further Notice of Proposed Rule Making, In the Matter of Replacement of Part 90 by Part 88 to Revise the Private Land Mobile Radio Services and Modify the Policies Governing Them, PR Docket No. 92-235, (released June 23, 1995) (“R&O/FNPRM”), the Commission noted that: “[t]he advance of intra-service sharing demonstrated the benefits of uses reaching beyond their narrowly defined category of services to satisfy their frequency needs.” (R&O/FNPRM, at ¶ 43.) In deciding to implement consolidation among private land mobile radio services, the Commission stated that consolidation is “essential to our goal of increasing spectrum efficiency and providing for more flexible use of spectrum.” (R&O/FNPRM, at ¶ 49.) Similarly, within the maritime services, the Commission should make channels available for public coast station use that are currently designated for, but not employed by other categories of maritime users.

Further, in the Second Memorandum Opinion and Order and Third Notice of Proposed Rule Making, In the Matter of Amendment of Part 90 of the Commission’s Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, PR Docket No. 89-552 (released August 28, 1995) (“3rdNPRM”), the Commission proposed removing commercial and non-commercial distinctions in the Phase II of 220 MHz mobile radio service licensing, noting “that it is no longer necessary to require a separate non-commercial allocation in the 220 MHz service, . . .” adding that “. . .

licensees should be allowed to use their authorized spectrum to meet the demands of consumers and be permitted to compete with other 220 MHz and CMRS licensees.” (3rdNPRM, at ¶ 34.)

With the removal of commercial and non-commercial set-asides being proposed or adopted in other mobile services, MariTEL urges the Commission to consider similar measures in the maritime radio services. Intra-service sharing of frequencies by public and private coast stations could encourage active and efficient use of scarce, but sometimes under-used, spectrum.

## **V. Trunking**

MariTEL supports the Commission's proposal to amend its rules to facilitate trunking on maritime service channels. (FNPRM, at ¶ 28.) Trunking technologies will increase spectrum-efficiency and generally decrease congestion on the limited number of marine radio channels available. MariTEL does not support, however, the implementation of a standard trunking protocol. Like a DSC protocol, a technical standard in this industry is both unnecessary and likely to inhibit technical innovation which could lead to less costly or more effective trunking methods.

## **VI. Narrowband**

MariTEL believes that implementation of 12.5 kHz channel spacing could greatly relieve current congestion on marine radio channels and address the existing shortage of available frequencies in the maritime radio band-width. Although the Commission has not addressed the issue in this rule making proceeding, MariTEL urges the Commission to proceed expeditiously in addressing this matter and implementing off-set technologies as soon as possible.

## **CONCLUSION**

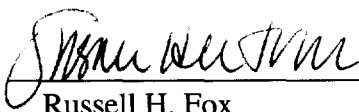
MariTEL generally supports the Commission's efforts to review the public coast station regulatory climate to both conform maritime radio service rules to standards of regulatory parity with

other CMRS providers, and to relieve the public coast station industry of unnecessary and antiquated regulatory burdens which have, heretofore, impeded its ability to effectively compete in the mobile communications marketplace. In some instances, MariTEL urges the Commission to go further, relaxing regulatory intervention where marketplace controls are sufficient to ensure that no degradation of service is threatened.

**WHEREFORE**, for the reasons stated herein, MariTEL urges the Commission to adopt amendments to its rules consistent with the arguments and opinions expressed herein.

Respectfully submitted,

**WJG MariTEL Corporation**

By:   
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Dated: September 22, 1995